

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/815,878 Confirmation No. 7381

Applicants : Karapet Ablabutyan et al.

Filed: March 22, 2001

TC/A.U. 3652

Examiner : Charles A. Fox

Docket No. : 23451-035 (formerly 17793.00600)

Customer No. : 36614

For : LIFT DEVICE WITH VARIABLE SPEED ACTUATION

Mail Stop: Petition
Commissioner for Patents
Washington, D.C. 20231**PETITION TO REVIVE AN APPLICATION FOR PATENT
AND STATEMENT UNDER 37 C.F.R. 1.137(b)**

Dear Commissioner:

Applicant is hereby petitioning to revive the above identified application for patent under 37 C.F.R. 1.137(b).

FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

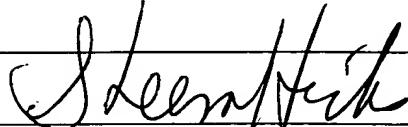
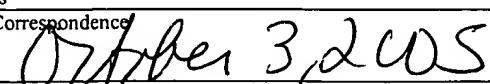
on October 3, 2005 Date of Deposit

Sheena Hicks

Name of Person Mailing Correspondence

Signature

Date

Application No. 09/815,878
Petition dated October 3, 2005
Petition to Revive to Office Action mailed February 9, 2005

Statement Under 37 C.F.R. 1.137(b)

Applicant hereby states that the failure to respond the Office Action mailed on February 9, 2005 within the Statutory Period was unintentional.

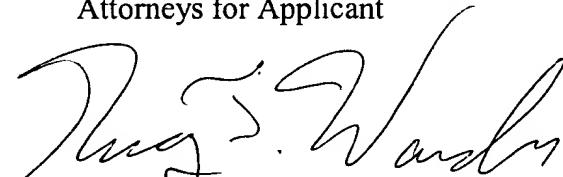
The attorney who initially handled the prosecution of the patent application at Manatt, Phelps & Phillips left the firm during the time period when the office action was sent. Due to a docketing error, the prosecution of the application was not transferred to another attorney.

Applicant hereby petition under 37 C.F.R. 1.137(b) that the above-identified application be revived as the failure to timely respond was unintentional. A response to the Office Action mailed February 9, 2005 is enclosed herewith.

Pursuant to 37 C.F.R. §1.25(b), the Commissioner is hereby authorized to charge any additional fees to our Deposit Account **50-1847**, or to credit any overpayment to the same for all matters during the prosecution of this application. This authorization should be treated as a general authorization to charge fees set forth in 37 C.F.R. 1.16 or 1.17 to Deposit Account **50-1847** for the entire pendency of this application. A duplicate copy of this Response is enclosed for deposit charging purposes only.

Respectfully submitted,

MANATT, PHELPS & PHILLIPS
Attorneys for Applicant


By: Greg T. Warder
Registration Number 50,208

Date: October 3, 2005

Manatt, Phelps & Phillips, LLP
1001 Page Mill Road, Building 2
Palo Alto, CA 94304
Telephone: (650) 812-1300
Facsimile: (650) 213-0260



DAC
JFW

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
23451-035

First named inventor: Karapet Ablabutyan

Application No.: 09/815,878

Art Unit: 3652

Filed: March 22, 2001

Examiner: Charles A. Fox

Title: LIFT DEVICE WITH VARIABLE SPEED ACTUATION

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity – fee \$ 1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Reply to Office Action mailed February 9, 2005 (identify type of reply):

has been filed previously on _____. 10/06/2005 TBESHAI 00000016 501647 09615878
 is enclosed herewith. 01 FC:1453 1500.00 DA

B. The issue fee and publication fee (if applicable) of \$ _____.

as been paid previously on _____.
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

American LegalNet, Inc.
www.USCourtForms.com

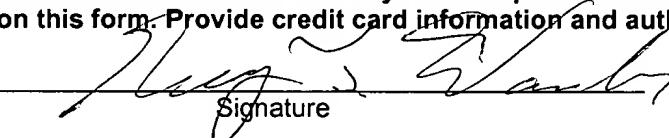
3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


 Signature

October 3, 2005

Date

 Greg T. Warder
 Typed or printed name

50,208

Registration Number, if applicable

 Manatt, Phelps & Phillips, LLP
 1001 Page Mill Road, Building 2
 Address

(650) 812-1300

Telephone Number

 Palo Alto, CA 94304
 Address
Enclosures: Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

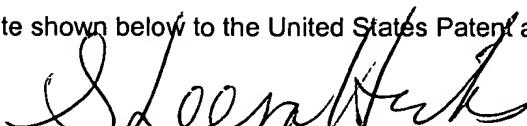
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Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

October 3, 2005

Date


 Signature

Sheena Hicks

Typed or printed name of person signing certificate



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on October 3, 2005
Date of Deposit

Sheena Hicks

Name of Person Mailing Correspondence

Sheena Hicks

Signature

October 3 2005

Date

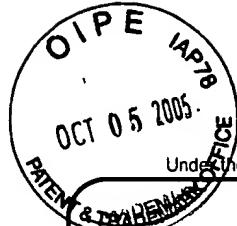
Kindly acknowledge receipt of the documents listed below by affixing the Patent and Trademark Office date-stamp hereon, and returning the stamped postcard to the address listed on the reverse side.

Client: MAXON LIFT CORPORATION
Applicants: KARAPET ABLABUTYAN ET AL.
Application No.: 09/815,878
For: LIFT DEVICE WITH VARIABLE SPEED ACTUATION
Filed: March 22, 2001
TC/A.U.: 3652
Confirmation No.: 7381
Attorney: Greg T. Warder, Manatt, Phelps & Phillips, LLP
Customer No.: 36614
Docket No.: 23451-035
Date of Deposit: October 3, 2005
Enclosure(s):

- Return Receipt Postcard
- Certificate of First Class Mailing (37 C.F.R. §1.8) (1 pg.)
- Transmittal Form [PTO/SB/21] (1 pg.) (Original & Copy)
- Amendment and Response (12 pgs.)
- Petition to Revive an Application for Patent and Statement under 37 C.F.R. 1.137(b) (2 pgs.)
- Petition for Revival Form [PTO/SB/64] (2 pgs.) (Original & Copy)
- Authorization to charge Deposit Account 50-1847

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/815,878
Filing Date	03-22-2001
First Named Inventor	Karapet Ablabutyan
Art Unit	3652
Examiner Name	Charles A. Fox
Attorney Docket Number	23451-035

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Return Receipt Postcard; Certificate of Mailing (1st Class); Petition to Revive an Application for Patent and Statement under 37 C.F.R. 1.137(b); Authorization to charge Deposit Account 50-1847
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Manatt Phelps & Phillips, LLP		
Signature			
Printed name	Greg T. Warder		
Date	October 3, 2005	Reg. No.	50,208

CERTIFICATE OF TRANSMISSION/MAILING

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Signature			
Typed or printed name	Sheena Hicks	Date	October 3, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.